

UNITED STATES DISTRICT COURT

for the
Western District of North Carolina

United States of America)	
v.)	
ANTONIO DEMOND BYERS)	Case No: <u>DNCW301CR000002-003</u>
)	USM No: <u>16523-058</u>
Date of Original Judgment: <u>January 30, 2002</u>)	
Date of Last Amended Judgment: _____)	Pro se
)	Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ **is reduced to** _____

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Original Offense Level: <u>40</u>	Amended Offense Level: <u>40</u>
Criminal History Category: <u>IV</u>	Criminal History Category: <u>IV</u>
Original Guideline Range: <u>360 months-life</u>	Amended Guideline Range: <u>360 months-life</u>

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.
- ☒ Other (explain): Due to the cross-reference to §2A1.1 there is no change in the guideline calculations.

III. ADDITIONAL COMMENTS

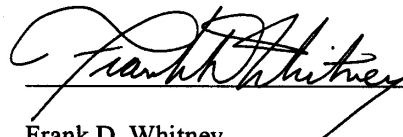
Defendant was sentenced to 240 months on Count One and a consecutive term of 120 months on Count Five.

Except as provided above, all provisions of the judgment dated January 30, 2002 shall remain in effect.

IT IS SO ORDERED.

Order Date: June 25, 2012

Effective Date: _____
(if different from order date)


Frank D. Whitney
United States District Judge

